

Chapter 9 PARKS AND RECREATION

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ARTICLE 1. IN GENERAL

Sec. 9-1. Closed hours and parking restrictions for all town recreation areas.

- (1) *Closed hours.* All town recreation areas shall be closed to all persons, during the following hours: 9:30 p.m. to 7:00 a.m. during the period May first through October thirty-first of each year; and 6:00 p.m. to 7:00 a.m. during the period November first of each year through April thirtieth of the following year.
- (2) *Unlawful to enter or be present during closed hours.* It shall be unlawful for any person to enter into or be present in the any town recreation areas during the closed hours as set forth above, except as provided in subparagraphs (4) and (5) below.
- (3) *Unlawful to park except as permitted.* Motor vehicles may be parked within any town recreation areas only in designated parking areas. It shall be unlawful for any person to park or leave standing at any time a motor vehicle in any area not designated for parking. It shall also be unlawful to park or leave standing a motor vehicle anywhere within any town recreation areas during the closed hours as set forth above. For purposes of this section, a motor vehicle is as defined in Title 29-A, Section 101(42), Maine Revised Statutes Annotated, as amended, and also including snowmobiles and all-terrain vehicles as defined in Title 12, MRSA, Section 7821, as amended.
- (4) *Persons may apply for permit.* Any person, who wishes to use any town recreation area during the closed hours as set forth above, may apply in advance to the director of parks and recreation for a written permit for such use. Any such permit must be signed by the director of parks and recreation, or his or her designees, in order to be valid. The director of parks and recreation shall establish and promulgate administrative guidelines and regulations for the issuance of such permits.
- (5) *Exceptions to applicability of section.* The limitations on entry to or parking within all town recreation areas as set forth in this section shall not apply to emergency vehicles or their personnel, or to town vehicles used for maintenance, and their personnel, when acting within the scope of their employment.
- (6) *Law enforcement officer's authority.* Any law enforcement officer shall have the authority to order any person violating any provision of this section, or any regulation promulgated in accordance therewith, to immediately cease said violation and leave the premises.

- (7) *Penalty.* Any person violating any provision of this section shall be subject to a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00).

(Ord. No. 4-1978, §. 1--7, 4-24-78; Ord. No. 2-2002, 9-9-02)

ARTICLE 2. USE OF MUNICIPALLY-OWNED PUBLIC PROPERTY*

Sec. 9-2. Permit required.

It shall be unlawful for any organization, partnership, firm, persons, corporation, or other entity to use or make use of or organize any event or affair on any municipally-owned lands, whether any such event or affair is open to the general public or not, without first obtaining a permit therefore in compliance with the provisions of this article.

For the purposes of this article an "event or affair" is defined as a gathering or assembly of thirty (30) or more persons for any common purpose or purposes whatsoever and within the immediate vicinity of each other.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002 9-9-02)

Sec. 9-3. Applicability of article provisions; exemptions.

This article shall apply to all charitable, benevolent, religious, literary, scientific, and/or educational institutions or organizations and any other organizations, firms, corporations, persons, partnerships, or other entities, whether or not any of such are organized for profit or nonprofit purposes and whether or not any such event or affair is for profit or nonprofit or charitable purposes; except any known organized sports or events such as little league baseball, adult softball, etc., shall have first refusal on town facilities, and any event or affair sponsored by the Town of Winslow or any of its boards, agencies, or departments, shall be exempt from this article, except that the director of parks and recreation shall retain authority over the scheduling and conduct and use of all municipally-owned lands for such events or affairs sponsored by any such organization of the Town of Winslow or any of its boards, agencies, or departments.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02)

Sec. 9-4. Issuance of permit; application; fee; restrictions; non-transferability.

- (a) All firms, corporations, partnerships, persons, or other entities requesting such a permit under this article must complete the application furnished by the parks and recreation director and shall clearly state the date, time, place, manner, and purpose for which such permit is desired. Fees for each of such permits under this article for profit organizations or entities shall be a nonrefundable fee according to the fee schedule recommended

by the Parks and Recreation Advisory Board and Director and approved by the Town Council.

- (b) The parks and recreation director or his representative during normal business hours, Monday through Friday only, may approve such permit after determining that the granting of such a permit will not be detrimental to any person or to the public or a danger to the health, comfort, safety of any person or of the public. Any permit granted under the provisions hereof shall designate the place where such event or affair shall be transacted, a specified period of time in which such permit is valid, and any other terms or conditions which the parks and recreation director may require, including the furnishing of payment of utilities at the municipally-owned land involved.
- (c) Conduct authorized under such permit shall be limited to the hours between 7:00 a.m. and 9:30 p.m. during such days as the Winslow parks and recreation director or his representative have issued such permit; and no firm, corporation, person, organization, partnership or other entity shall have more than six (6) permit dates scheduled at any one time within a calendar month. Consecutive permit requests will be awarded at the discretion of the Parks and Recreation Director. There shall be no limit to the number of permits issued to a firm, corporation, person, organization, partnership, or other entity in a calendar year.
- (d) No permit under this article shall be issued to the applicant for any such purpose at any location where such is prohibited by the Winslow zoning ordinance, and any permit required by this article shall not be transferable.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002 9-9-02)

Sec. 9-5. Indemnification; insurance requirements; liability for condition of municipally-owned land after use thereof.

- (a) Besides any other terms or conditions which the municipal officers or the parks and recreation director may place on any event or affair of any applicant/permittee, every applicant/permittee by its duly authorized representative, shall agree to release, indemnify, and hold harmless the Town of Winslow and any of the town's officers, officials, agents, or employees, in both their personal and official or corporate capacities, from any liability or claim, whether based on a tort, contractual, or other claim of any nature whatsoever, including, but not limited to, any loss or damage to property or injury to or death of any person that arises out of any such event or affair of or by such applicant/permittee. Furthermore, if required by the municipal officers, the applicant/permittee shall procure and maintain in full force at its sole cost and expense during the term of its event or affair adequate public liability insurance and/or worker's

compensation insurance coverage for such event or affair and such applicant/permittee's use and occupancy of municipally-owned land therefore, and the municipal officers may further require that any such insurance be procured by the applicant/permittee specifically for the benefit and coverage of the Town of Winslow and/or its officers, officials, agents, or employees.

- (b) Also, any such applicant/permittee under this ordinance, by its duly authorized representative, shall agree and be liable for and responsible to remove, at the termination of its event or affair, all of its equipment, personal property, fixtures, chattels, improvements, and all litter, trash, refuse, and debris, either owned by it or resulting from such applicant/permittee's event or affair, and to deliver up such municipally-owned land at the termination of such permit under this article in a clean, neat, and pollution-free manner and its original and natural condition, ordinary wear and tear by pedestrian foot traffic excepted.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02)

Sec. 9-6. Deposit for damages.

In addition to the nonrefundable fee as required by this article, the municipal officers may require the applicant/permittee to provide a deposit, in cash or certified check, in a sum not to exceed five hundred dollars (\$500.00), with the town treasurer to offset any costs incurred by the Town of Winslow for damages to any municipally-owned land or any expenses incurred by the Town of Winslow as a result of or arising from that event or affair of the applicant/permittee; if, after inspection of that municipally-owned land used by the applicant/permittee by the Parks and Recreation Director, no damage has occurred, the deposit shall be refunded, and if damage has occurred, the town treasurer shall apply such deposit towards such damage and refund the balance, if any, to the applicant/permittee, and if damage has occurred which exceeds the deposit, the applicant/permittee shall continue to be responsible for such damages as mentioned herein by this section and shall be so liable by civil suit by the Town of Winslow and by fine as herein stated in this article.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02)

Sec. 9-7. Use of lands to be nonexclusive.

No applicant/permittee shall preempt any event or affair over any other event or affair which has previously been granted a permit, nor shall any applicant/permittee and the Parks and Recreation Director may grant exclusive use of that municipally-owned land upon which such event or affair of the applicant/permittee shall occur.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02)

Sec. 9-8. When alcoholic beverages permitted.

The applicant/permittee shall not allow any alcoholic beverages at its event or affair on such municipally-owned land unless such event or affair is catered by a holder of a current license from the Maine State Liquor Commission with prior approval of the parks and recreation director.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02)

Sec. 9-9. Appeal of denial of use of municipally-owned land.

Any applicant/permittee denied the use of municipally-owned land for any event or affair shall have the right to appeal the denial to the town council, and the appeal shall be made in writing, stating all information concerning the denial, and shall be filed with the town clerk within seven (7) days from such denial.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02)

Sec. 9-10. Improper, offensive or injurious use or occupancy; fire and police protection; provision of sanitary facilities.

- (a) The applicant/permittee shall not make or suffer any waste, nuisance, or unlawful, improper, or offensive use or any use or occupancy of such municipally-owned land for which a permit under this article is given which is contrary to any law, regulation, rule, policy, bylaw, or order of any state or federal government, or of the Town of Winslow, to include pets of any kind that that could be perceived to be intimidation or dangerous to the general public and any weapon, device or instrument that could be deemed dangerous in the manner of or threatened to be used is capable of death or bodily harm, or which use or occupancy of such municipally-owned land by such applicant/permittee shall be injurious to any person or property or to the municipally-owned land involved, or which shall be liable to endanger or affect any insurance which is pertinent to such municipally-owned land or the operation thereof by the applicant/permittee or which insurance is pertinent to the applicant/permittee's event or affair.
- (b) Furthermore, any applicant/permittee, if required by the parks and recreation director and so stated on the permit given under this article, shall provide at the applicant/permittee's sole cost and expense adequate fire protection and/or qualified fire department personnel or a qualified traffic control officer or officers, or a qualified police officer or officers for the purpose of maintaining order or adherence to state, federal, or municipal laws, ordinances or regulations, or for safety purposes.
- (c) If any such event or affair shall include or shall reasonably be expected to

include more than thirty (30) persons participating in or gathering in any such event or affair, the applicant/permittee may have to provide sanitary toilet facilities at its sole cost and expense for such event or affair.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02)

Sec. 9-11. Penalty.

Any firm, organization, corporation, persons or other entity which shall in any manner violate any of the provisions of this article or which violates any conditions of any permit granted under the provisions hereof, shall be subject to, besides civil lawsuit and damages, court summons and immediate suspension of such permit by the police chief or his representative, and shall upon conviction be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00), plus restitution for any damages done or clean-up necessitated by such violations. Each incident of a violation of this article or a condition of a permit hereunder or each day any such violation continues shall constitute a separate offense, and no permit shall be issued for a period of up to eighteen (18) months.

(Ord. No. 2-1984, 6-11-84; Ord. No. 2-2002, 9-9-02; Ord. No. 3-2010, 10-12-10)